

**CITY OF HORSESHOE BAY**

**PD ZONE ORDINANCE NO. ORD 08-02-19D**

**PLANNED DEVELOPMENT FOR ZONE NO. 14**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY ADOPTING PD ZONING REGULATIONS FOR ZONE 14, TO BE KNOWN AS HORSESHOE BAY BOULEVARD PD; ESTABLISHING ZONE BOUNDARIES FOR ZONE 14; AMENDING A ZONE MAP; ENACTING CERTAIN DEVELOPMENT STANDARDS AND LAND USE REGULATIONS; PROVIDING CERTAIN LAND USE RULES; ADOPTING CERTAIN LAND DEVELOPMENT STANDARDS; SETTING OUT ADMINISTRATIVE AND LEGISLATIVE PROCEDURES; IMPOSING CIVIL AND CRIMINAL PENALTIES, INCLUDING FINES NOT TO EXCEED \$2,000 PER OFFENSE; PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL; PROVIDING FOR ENFORCEMENT AND PENALTIES, AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Horseshoe Bay ("City Council") seeks to continue to provide for the health, safety, and welfare of those living in, working in, and visiting the City; and

**WHEREAS,** by Ordinance No. ORD 06-04-27, adopted on April 27, 2006, the City Council established a temporary moratorium on the acceptance, review and approval of subdivision plats, plat amendments, replats, site development permits, and rezoning requests for new construction therein in order to protect the status quo in Zones 13 and 14, which moratorium was agreed to by the owners of Zones 13 and 14, and which moratorium has been periodically extended by the City Council and is currently set to expire on April 10, 2008, unless extended; and

**WHEREAS,** two tracts of land known respectively as "Marina Village" ( 4.42 acres) and "CCC Tract" (3.19 acres) heretofore subject to the moratorium have been zoned and removed from the moratorium; and

**WHEREAS,** the City has adopted Ordinance No. ORD 07-09-18E, the City's Zoning Ordinance, as amended, for the purpose of establishing reasonable land use regulations within the City, including the use of Planned Development Zones ("PD Zones"), particularly to meet unique development Authorizations of certain projects; and

**WHEREAS,** Article IV of the City's Zoning Ordinance specifies the procedure and requirements for the creation of PD Zones, and which permit development of land as an integral unit for single or mixed use in accordance with a PD Concept Plan and in which the goals and objectives of the Comprehensive Plan are to be implemented; and

**WHEREAS,** Horseshoe Bay Resort Ltd, the owner of Zones of 13 and 14 proposes development of Zone 14 in a manner that includes unique Authorizations and for which a Concept Plan for the development has been submitted to the City; and

**WHEREAS,** the property proposed for development and inclusion in such PD Zone is comprised of fourteen (14) separate tracts, (“the Property”) one of which, Tract 1, is the “CCC Tract” heretofore zoned under Ordinance No. ORD 07-10-16E; one of which, Tract Eleven, consists of Tract 11A and 11B, two of which, Tract 13 and a portion of Tract 12, have been recently or are in the process of being annexed into the corporate limits of the City on the date this ordinance is adopted, all of which are located in Llano County Texas; and

**WHEREAS,** such tracts have been treated as an integral unit within the City, and some of which require uses, regulations and other requirements that vary from the provisions of other zones, such that it is appropriate that they be designated together as a PD Zone; and

**WHEREAS,** the City has examined the Concept Plan and all accompanying documents and is of the opinion that the proposed PD Zone is in compliance with Article IV of the City's Zoning Ordinance and that a PD Zone should be created and be identified hereinafter as Zone 14 of the City of Horseshoe Bay; and

**WHEREAS,** the City Council has provided public notice and has conducted a public hearing on the zoning of Zone 14, as required by law; and

**WHEREAS,** the City Council, in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Horseshoe Bay should be amended as herein described.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY:**

## **I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

## **II. ZONING ORDINANCE AMENDED**

Zoning Ordinance No. ORD 07-09-18E, of the City of Horseshoe Bay, Texas as heretofore amended, is and the same is hereby amended by providing adding a new PD zone, the "Horseshoe Bay Boulevard PD" as more fully set forth herein. This Ordinance amends the City's Zoning Ordinance but shall stand alone and shall be complimentary to rather than supplanting or replacing portions of such Zoning Ordinance.

## **III. APPLICABLE ZONING AND OTHER REGULATIONS**

The Property shall be regulated for purposes of zoning and subdivision by the City's Zoning and Subdivision Ordinances, and shall be subject to all other City Ordinances in effect except as herein specifically provided. Particular zoning classifications are set forth in this PD Ordinance, and to the extent not set forth herein, such classifications and authorizations shall be the same as those for Zone 4, in which the PD Zone is located, as specified in Section 3.6 et seq. of the City's Zoning Ordinance entitled "Zone 3 Horseshoe Bay West, Zone 4A Horseshoe Bay Proper and Zone 4B Horseshoe Bay South." Where a general zoning item is not specifically addressed in this PD Ordinance but is addressed by the City's Zoning Ordinance or other ordinance in effect, the zoning or other ordinance shall control. In the event of any conflict between this PD Ordinance and the City's Zoning Ordinance, this PD Ordinance shall control.

## **IV. ZONING ORDINANCE DEFINITIONS**

*Developer* means Horseshoe Bay Resort Ltd., or any other owner of land within the Horseshoe Bay Boulevard PD, and shall include any person, partnership, firm, association, corporation (or combination thereof), and/or any officer, agent, employee, servant and trustee thereof who performs or participates in the performance of any act toward the subdivision of land within the intent, scope and purview of this PD Ordinance. The Developer shall also be defined as the builder if he or she is responsible for the construction of buildings and/or other structures or permanent improvements.

*PD Concept Plan* establishes the general guidelines for the PD Zone by identifying or depicting the proposed land uses and intensities, thoroughfare locations, and open space boundaries and illustrates the integration of these elements into a Concept Plan for the entire PD Zone, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes.

*PD Zone* means a Planned Development Zone under the City's Zoning Ordinance.

*Property* means the fourteen (14) separate tracts of land which are located within the corporate boundaries of the City or have recently or are in the process of being annexed into the City and more fully described in Part V below.

## **V. ZONE 14 AUTHORIZATIONS**

(a) Zoning and Special Authorizations: The following tracts that comprise PD Zone 14 are described and zoned as follows. Special authorizations, standards and uses shall be as specifically authorized below:

### **Tract One**

Legal Description:	Tract CCC-1 Horseshoe Bay Plat No. 21.16 recorded in Volume 17, Page 60, Llano County
Zoning Classification:	C-2
Street Location:	HSB Blvd. and Highway 2147
Current Use:	Offices
Future Use:	Offices
PD Zoning Authorizations:	Ord. No. 07-10-16E is hereby incorporated into this PD Ordinance by reference for all purposes.

### **Tract Two**

Legal Description:	Lots 28005, 28007, and 28009, Horseshoe Bay, Plat No. 28.1, recorded in Volume 3, Page 1, Llano County, being combined into one tract by replat of Lot 28005-A Horseshoe Bay, Plat No. 28.44 ; Lot 28006 of Horseshoe Bay, Plat No 28.1; Lot 28007-A Horseshoe Bay, Plat No. 28.41 and 0.80 acre of Tract J-4 Horseshoe Bay, Plat No. 28.37 to be known as Horseshoe Bay, Plat No. 28.48 as newly formed Tract J-9
Zoning Classification:	R-6
Street Location:	Buffalo Street and Free Rein
Current Use:	Vacant Lots
Future Use:	Multi-Family (R-6)
PD Zoning Authorizations:	None

### **Tract Three**

Legal Description:	Tract J-5 Horseshoe Bay, Plat No. 28.36 recorded in Volume 11, Page 58, Llano County
Zoning Classification:	R-6
Street Location:	Buffalo
Current Use:	Vacant Lot
Future Use:	Multi-Family (R-6)
PD Zoning Authorizations:	None

## **Tract Four**

### **Legal Description:**

Tract J-2 Horseshoe Bay, Plat No. 28.37, recorded in Volume 12, Page 13, Llano County; a 4.55 acre portion of Tract J-3 WW 1 Horseshoe Bay, Plat No. 28.45, recorded in Volume 13, Page 94, Llano County; and a 0.22 acre portion of Tract J-4 Horseshoe Bay, Plat No. 28.37, recorded in Volume 12, Page 13 Llano County, to be combined into one tract by Replat as newly formed Tract J-7

### **Zoning Classification:**

C-2. All uses under A-1 are permitted.

### **Street Location:**

Buffalo / Free Rein / Short Circuit

### **Current Use:**

Vacant Lots / Tennis Courts / Gardens

### **Future Use:**

Spa / Tennis Club / Fitness Club / Tennis Courts / Walkways / Gardens / Parking

### **PD Zoning Authorizations:**

1. Maximum Building Height: Thirty five (35) feet above grade.
2. Area of Building: Ground floor area of a building or structure shall not exceed 30,000 square feet. Building area shall not exceed sixty percent (60%) of the area of the lot.
3. Spacing: Commercial structures shall be spaced a minimum of thirty (30) feet apart, excluding accessory structures, i.e. Resort Member and Guest Service Areas and Break-out Areas of associated use with their principal commercial structure.
4. Fencing Height: Fences for recreational uses may have a maximum height of ten (10) feet above the playing surface.
5. Building Setbacks: Three (3) fifteen (15) foot areas as depicted in the Concept Plan.
6. Landscape Buffer: A five (5) foot landscape buffer including water features will be provided.

### **Tract Five**

Legal Description:

Lot 28043-B and Protective Strip 14-A Horseshoe Bay, Plat No. 28.47, recorded in Volume 14, Page 1, Llano County, to be replated as Horseshoe Bay, Plat No. 28.52 as newly formed Lot 28043-C

Zoning Classification:

C-2

Street Location:

Village Parkway

Current Use:

Vacant Lot and Street

Future Use:

Commercial and street

PD Zoning Authorizations:

1. Building Setbacks: Setbacks shall be a minimum of ten (10) feet, except that the front yard setback shall be twenty (20) feet.
2. Parking: Off-site parking shall be allowed to be counted in fulfilling parking requirements.
3. Building area shall not exceed eighty percent (80%) of the area of the lot.
4. The street will be dedicated to public use by a note on the replat.
5. Building Height: Building height shall be a maximum of one story.

### **Tract Six**

Legal Description:

Lot 28026 and 28027 Horseshoe Bay, Plat No. 28.1, recorded in Volume 3, Page 1, Llano County to be combined into one lot by replat to be known as Horseshoe Bay, Plat No. 28.51, and newly formed Lot 28026-A

Zoning Classification:

C-2

Street Location:

Free Rein

Current Use:

Vacant Lot and Parking Lot

Future Use:

Surface Parking, Landscaping and an enclosed Maintenance Facility with stone exterior to accommodate eight (8) vehicle size stalls

PD Zoning Authorizations:

Surface Parking Lot

### **Tract Seven**

Legal Description:

Lot 28050 and a 0.41 acre portion of Lot 28051-3 Horseshoe Bay, Plat No. 2825 recorded in Volume 9, Page 28, Llano County, to be combined into one lot by replat to be known as Horseshoe Bay, Plat No. 28.50, and newly formed Lot 28026-A C-2

Zoning Classification:

Street Location:

Current Use:

Future Use:

PD Zoning Authorizations:

Free Rein and Stones Throw

Vacant Lots

Surface Parking and Landscaping

Surface Parking Lot

### **Tract Eight**

Legal Description:

Lot 15061 Horseshoe Bay, Plat 15.1 recorded in Volume , Page 42. Llano County, and Tract BBB-1A, Horseshoe Bay, Plat No. 15.67, recorded in Volume 13, Page 95, Llano County, to be combined into one lot by replat to be known as Horseshoe Bay, Plat No. 15.70 and newly formed Lot 28026-A

Zoning Classification:

Street Location:

Current Use:

Future Use

PD Zoning Authorizations:

C-2

Port Street and Hi Circle North

Vacant Lot and Parking Lot

Surface Parking, Garage Parking and Landscaping

Surface Parking and Garage Parking up to three (3) stories and thirty (30) feet above grade. There will only be one entrance or exit off Port Street, and the entrance or exit will be prior to the cul-de-sac on Port Street. The City will have the right to approve the architectural appearance and landscaping.

## **Tract Nine**

Legal Description:

A 5.35 acre portion of Tract J-3 WW-1, Horseshoe Bay., Plat NO 28.45 recorded in Volume 13, Page 94, Llano County, and a 0.75 acre portion of Parcel A-1A, Horseshoe Bay, Plat No. 28.46 recorded in Volume 13, Page 93 Llano County, to be combined into one tract by replat to be known as Horseshoe Bay, Plat No. 28.53 and newly formed Tract J-8

Zoning Classification:

C-2. All uses under A-1 are permitted.

Street Location:

HSB Blvd.

Current Use:

Putting Course and Hotel Pavilion

Future Use:

Putting Course and Water Park

PD Zoning Authorizations:

1. Maximum Building Height thirty five (35) feet above the highest natural contour.
2. Floor area: Ground floor area of building or structure shall not exceed 30,000 square feet.
3. Spacing: Commercial structures shall be spaced a minimum of thirty (30) feet apart, excluding accessory structures, i.e. Resort Member Guest Service Areas and Break-out Areas of associated use with their principal commercial structure. Off-site parking shall be allowed in fulfilling parking requirements
4. Parking: Parking spaces will be provided at the various facilities, except for the Lazy River. For the Lazy River off-site parking shall be allowed to be counted in fulfilling parking requirements.
5. Fencing Height: Fences for recreational uses may have a maximum height of ten (10) feet above playing surface.
6. Landscaping Buffer: A five (5) foot landscape buffer including water features will be provided adjacent to the Courtside Townhouses.



### **Tract Ten**

Legal Description:	Tract BBB-3 Horseshoe Bay, Plat No. 15.27, recorded in Volume 11, Page 98 Llano County
Zoning Classification:	C-2
Street Location:	HSB Blvd. at Traffic Circle
Current Use:	Vacant Lot
Future Use:	Surface Parking and Landscaping
PD Zoning Authorizations:	Surface Parking

### **Tract Eleven A and Tract Eleven B**

Legal Description:	Tract 11A being Lot 15041-A, Horseshoe Bay, Plat No. 15.63 recorded in Volume 12, Page 91, and Llano County Tract 11B being Tract AAA-5 Horseshoe Bay, Plat No. 64.2, recorded in Volume 12, Page 10 Llano County
Zoning Classification:	C-2
Street Location:	11A: HSB Blvd. and Oasis 11B: HSB Blvd. and Cove East
Current Use:	Vacant Lot
Future Use:	Surface Parking and Landscaping
PD Zoning Authorizations:	Surface Parking. 11B may be a Parking Garage up to three stories above grade.

## **Tract Twelve**

Legal Description:

6.10 acres of Tract AAA-2A, Horseshoe Bay, Plat No. 64.3 recorded in Volume 15, Page 56 Llano County, only 4.13 acres of which lies beyond the 825' contour of Lake Lyndon B. Johnson

Zoning Classification:

C-2

Street Location:

Yacht Club Drive and HSB Blvd.

Current Use:

Members Club Complex

Future Use:

Members Club Complex

PD Zoning Authorizations:

1. Height: Maximum Building Height of Forty five (45) feet above grade.
2. Area: Ground floor area of a building or structure shall not exceed 40,000 square feet. Building area shall not exceed eighty five percent (85%) of the area of the lot.
3. Spacing: Commercial structures shall be spaced a minimum of thirty (30) feet apart, excluding accessory structures, i.e. Resort Member and Guest Service Areas and Break-Out Areas of associated use with their principal commercial structure.
4. Parking: Off-site parking may be counted in fulfilling parking requirements.
5. Fencing Height: Fences for recreational uses may have a maximum height of eight (8) feet above playing surface.
6. Building Setbacks: None required.
7. Developer shall have the right to build beyond the 825'foot contour line of Lake Lyndon B. Johnson, subject to other legal requirements.

### **Tract Thirteen**

Legal Description:	10.80 acres of Tract AAA-2A that lies below the 825' contour line of Lake Lyndon B. Johnson, Horseshoe Bay, Plat No. 64.3, recorded in Volume 15, Page 56 Llano County, to be replated as Horseshoe Bay, Plat No. 64.4.
Zoning Classification:	M-1 (Marina)
Street Location:	Not Applicable
Current Use:	Marina
Future Use:	Marina
PD Zoning Authorizations:	1. Uses Permitted; <ul style="list-style-type: none"><li>a.) Commercial boat slips</li><li>b.) Day Docks</li><li>c.) Board Walks</li><li>d.) Fuel Sales and Storage</li><li>e.) Boat Launch</li><li>f.) Boat Storage</li><li>g.) Restaurants</li><li>h.) Retail</li><li>i.) Marina Rentals</li><li>j.) Boat Sales</li></ul> 2. Parking: For floating boat slips, one (1) parking space is required for every ten (10) floating boat slips. Off-site parking may be counted in fulfilling parking requirements.
	3. Building setbacks: None required.

### **Tract Fourteen**

Legal Description:	Lot 15030 Horseshoe Bay, Plat No. 15.1, recorded in Volume 2, Page 42, Llano County
Zoning Classification:	R-1
Street Location:	Harbor Light
Current Use:	Undeveloped
Future Use:	Single-family
PD Zoning Authorizations:	None

(b) Parking During Construction: Developer shall at all times provide parking for vehicles involved in the Project on the Property. Construction vehicles shall not be allowed to park on Highway 2147 or HSB Boulevard. If allowed pursuant to obtaining a building permit, vehicles may load and unload by using HSB Boulevard.

(c) Building setbacks: Unless specifically provided to the contrary, buildings on all tracts will have a setback of a minimum of twenty (20) feet.

(d) Street repair: All damage done to streets will be repaired to the satisfaction of the Horseshoe Bay Property Owners' Association.

(e) HSB Boulevard will continue to be maintained as a public street and access will continue to be available to the Cape without detrimental modification.

(f) Other Requirements: To the extent that Tract 13 and the part of Tract 12 have not been fully annexed into the corporate limits of the City as of the date of the adoption of this Ordinance, the terms hereof shall be fully applicable when such annexation is complete.

## **VI. PENALTIES, COMPLIANCE & ENFORCEMENT**

To the extent not otherwise modified by the provisions contained in this PD Ordinance, the provisions contained in Section 5, Penalties and Enforcement of the City's Zoning Ordinance pertain to PD Zone 14. The property described in Part III above and depicted in Exhibit "A" shall be used only in the manner and for the purposes provided for in Zoning Ordinance No. ORD 07-09-18E, of the City of Horseshoe Bay as heretofore amended and as amended by this PD Ordinance.

## **VII. ZONING MAP AMENDED**

The official Zoning District Map of the City of Horseshoe Bay hereto adopted be and is hereby amended to reflect the zoning change made herein.

## **VIII. SEVERABILITY**

If any section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance be found to be illegal, invalid or unconstitutional, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph or provision of this PD Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this PD Ordinance and would have rezoned the property without the invalid part, and as to this end the provisions of this PD Ordinance are declared to be severable.

## **IX. EFFECTIVE DATE**

This PD Ordinance shall be in full force and effective from and after its date of passage, in accordance with law.

**ADOPTED AND APPROVED** this 19<sup>th</sup> day of February, 2008 by the City Council of the City of Horseshoe Bay, Texas.

**CITY OF HORSESHOE BAY, TEXAS**

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**Robert W. Lambert, Mayor**

**ATTEST:**

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**Teresa L. Moore, City Secretary**